UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
---X
                                                          :
UNITED STATES OF AMERICA,   :
                                                          :   21 Cr. 56 (JPC)
             -v-   :   23 Civ. 9349 (JPC)
                                                          :
KAREEM RODERIQUE,   :   ORDER
                                                          :
                          Defendant.   :
                                                          :
---X

JOHN P. CRONAN, United States District Judge:

On October 23, 2023, Kareem Roderique filed a motion to vacate, set aside, or correct his

sentence pursuant to 28 U.S.C. § 2255, asserting that his attorney rendered ineffective assistance

by failing to argue that his narcotics conspiracy conviction in this case does not qualify as a

predicate controlled substance offense for purposes of the career offender Guideline. Dkt. 228.[1]

On February 20, 2024, this Court denied the motion, finding that Roderique's attorney did not

render deficient performance in failing to raise that argument, which had already been foreclosed

by Second Circuit precedent at the time of Roderique's sentencing. *See United States v. Roderique*,

Nos. 21 Cr. 56 (JPC), 23 Civ. 9349 (JPC), 2024 WL 687425 (S.D.N.Y. Feb. 20, 2024). Having

determined that Roderique failed to make "a substantial showing of a denial of a federal right,"

the Court also denied a certificate of appealability. *Id.* at *5 (citing *Hoffler v. Bezio*, 726 F.3d 144,

154 (2d Cir. 2013)).

Roderique has since requested a certificate of appealability from this Court. *See* Dkt. 238.

The Court denies the instant request for the reasons provided in its February 20, 2024 decision.

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[1] All docket citations refer to the docket in the underlying criminal matter, *United States v. Roderique*, No. 21 Cr. 56 (JPC) (S.D.N.Y.).

Roderique has a right to seek a certificate of appealability from the United States Court of Appeals

for the Second Circuit. *See* 28 U.S.C. § 2253.

The Clerk of the Court is respectfully directed to mail a copy of this Order to Defendant

Kareem Roderique at:

> Kareem Roderique
> Reg. No. 05084-070
> FCI Allenwood Low
> Federal Correctional Institution
> P.O. Box 1000
> White Deer, PA 17887

SO ORDERED.

Dated: March 15, 2024
       New York, New York

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JOHN P. CRONAN
United States District Judge